EXHIBIT 19M-T

19.M.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

- - - - -

LEIGHTON TECHNOLOGIES, LLC,)

plaintiff,)

vs.) Case No.

) 04 Civ. 02496 (CM)

OBERTHUR CARD SYSTEMS, S.A.)

and OBERTHUR CARD SYSTEMS)

OF AMERICA CORP.,)

defendants.)

- - - - -

(Volume III - pages 522 through 875)

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Continued videotaped deposition of KEITH LEIGHTON, a witness herein, called by the defendants as if upon cross-examination, and taken before David J. Collier, RPR, Notary Public within and for the State of Ohio, pursuant to Notice of Deposition and pursuant to the further stipulations of counsel herein contained, on Monday, the 23rd day of October, 2006 at 8:02 a.m., at the offices of Tackla & Associates, 1020 Ohio Savings Plaza, City of Cleveland, County of Cuyahoga and the State of Ohio.

A And we're going to mark this here, 45 seconds transfer.
Q Yeah. I think I did that up here.
A Okay.
Q Is that okay?
A That's okay. Yeah.
Q 30 to 45 transfer. Okay. All right.
And this is -- this is the -- okay. How about we do that.
A That works.
Q Okay. This is the Motorola -- overall Motorola process you used for them?
A As I recall.
Q Okay. That's the best we can ask.
A 15 years ago.
Q Okay. And this is for the dime size and the silver size --
A Both of them, right.
Q Both of them. Okay.
Now, let's talk about -- and again, to the best of your memory, the pressure component of this, okay? I'd like to add pressure to this in a different color, and again, a general depiction of when pressure was applied and the magnitude of the pressure --

A Um-hum.
Q -- that was applied. And I understand you don't remember absolute values.
A No, I don't.
Q And I understand you had some problems with measurements, getting readings on the equipment.
A Correct.
Q Okay? But I need to know now -- so I'm not surprised later at trial, I need to know now exactly what your best memory is. Does that make sense?
A That's -- to the best of my memory, I've illustrated it here.
Q Okay.
A To the best of my memory.
Q I appreciate that.
So at the time when the platens were first -- when the -- excuse me. When the books were first put in --
A Correct.
Q -- between the platens of the press --
A Right.
Q The press was closed immediately.
A Correct.
Q And the heat soak time began.

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getting through the heat soak time.
Q What does "emboss the plates" mean?
A Where the chip was, it put a bump in the plate and destroyed the plates.
Q Okay. And --
A That's stainless steel.
Q Would it impact the chip at all? Would it damage the chip?
A It cracked the chips.
Q Okay. And about what percentage did you increase the pressure after the end of the heat soak time, do you remember?
A No, I don't.
Q All right. Just approximately --
A I can't even give you a beginning on that.
Q Okay. You don't know if it was --
A I don't know.
Q -- ten percent more?
A Don't know.
Q Ten times more?
A We increased the pressure at different tests, and I don't know -- I don't recall all of those tests.
Q Okay. How about for the -- you said the best run you had was about 15 cards out of 24

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were successful?
A At the best, yes.
Q At the best.
A Right.
Q Okay. What -- what's the -- the most you can tell us about the pressure during the heating phase for the process that you developed at Motorola for the most successful run of cards you had?
A You'll have to rephrase that.
Q I want to talk about the most successful run of cards you had, towards the end of your work at Motorola, do you remember that, the 15 out of 24 cards?
A Yes.
Q What can you tell us about, what do you remember at all about the pressures in terms of if you remember approximate values or the percentage increase?
A I have no concept of what those pressures were.
Q Okay.
MR. TACKLA: Two minutes of tape.
Q Let's -- let's see if you remember

anything, and if you don't remember anything at all --

A Yeah, I -- at the time -- I mean, I remember this, at the time I was there I had no idea what those pressures were actually at.

Q Okay. Well, I want to -- I want to see if you can give us any sort of approximation. And if you can't, that's fine. Like I said, I just need to know what you may say later on, okay?

So for the process that you worked on when you were at Motorola, when the press was first closed, do you remember what pressure the inlays with the chips would experience at the very first step of the process?

A When you tried to calculate pounds per square inch on normal laminating of the PVC sheet size, you have one square inch pressure on the ram that's -- you have to do pi R square of the ram, and then you have to convert that to your sheet size of how many square inches do you have on the sheet size. Well, when you have a foreign object in there such as the chip, that's maybe a 16th of an inch square of focal point. That pounds per square inch has to be then calculated down to that 16th of an inch square,

and that pressure is so great that it embosses the stainless steel plates.
Q Okay.
A It is so great, it's like shooting a bullet at it.
Q That's the problem that you talked about earlier?
A That's the problem that we had.
Q Okay.
MR. TACKLA: Off the record.
A It busted all the chips.
- - - - -
(Interruption in proceedings.)
- - - - -
BY MR. DeFRANCO:
Q What I'm asking is when you were develop -- when you developed this process for Motorola, what's your best estimate of the pounds per square inch that the inlays would experience when the press was first closed?
A I would say the inlays, if you design -- do a multiplication problem here, divide a 16th of an inch into a square inch, I'm not sure what you'd come out with mathematically, but that's how much times greater the pressure was --

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Q Okay.
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Q Okay.
A -- on those chips over --
Q Let's talk about it just in terms of per square inch --
A Um-hum.
Q -- that the -- that the -- the lamination sandwich would --
A Um-hum.
Q -- experience, okay? That's the plastic layers --
A Right.
Q -- that are put in. Okay?
Per square inch of that, what's your best estimate of the pounds per square inch that would be experienced by the lamination sandwich at the beginning of the process at Motorola that you developed?
A A good lamination pressure per square inch on common cards is about 180 pounds per square inch on normal PVC.
Q Okay. And at the time the pressure that a square inch of the lamination sandwich would experience in the Burkle press you were using at Motorola was at least 180 pounds per square inch?

A Right. On the PVC.
Q Okay. PVC is what?
A Your sheet core stocks.
Q Right. That's the core sandwich that --
A Right.
Q -- we're talking about, right?
A Right.
Q That's the two core sheets and electronic element, that's what we're talking about?
A Correct.
Q Okay. And during the heating phase that you used at Motorola, do you remember how significantly you would increase the pressure, whatever the starting point was, at least 180, do you remember how much? Did you double it, triple it, quadruple it?
A In that press they went by bar pressure, but we don't know what the bar pressure was.
Q Right.
A It's like looking at a thermometer and telling me the temperature without putting the figures on. You have no idea.
Q Okay. Well, let's go back a second. It was at least 180 pounds per square inch in the process used for Motorola. Do you remember how

much --
A In pressure per square inch.
Q Right.
A I'm trying to roughly calculate it.
Q Right. Very roughly. Right.
A Yeah.
Q Okay. Do you remember how much more than 180 pounds? It wasn't 10,000 pounds?
A No, we didn't -- we didn't exceed that per square inch of surface tension of the PVC.
Q Okay.
A Because we liquefied the plastic, and if you exceeded that, you would melt it all over the floor.
Q Okay. But this was the -- the 180 pounds was the pressure that was experienced when it was first closed?
A Correct.
Q And then at some point you increased the pressure even more, I thought.
A No, this -- this is the final pressure on heat cycle, 180 pounds, not the first pressure.
Q Okay. So this -- this is the max of 180 pounds, the pressure increase?
A Correct. Correct.

Q And what was the -- okay. And then what was --
A This is just roughly.
Q I know. I know. Very roughly.
And then what was the initial pressure compared to the maximum?
A I don't know what the initial pressure, but there was enough pressure to close the laminator.
Q Right. And it's the weight of all the platens?
A The weight of all the platens and --
Q And some -- and some pressure, it can go up at least to 1,000 pounds, we said, right, the press?
A Correct.
Q Right?
A Right. On the pump pressure.
Q Okay. So what --
A It's 1,000 pounds.
Q How would you best approximate the range of pressures that a square inch of the lamination sandwich would see when the -- when the press was first closed?
A I can't answer that.

Q Okay. If you had to give a range, like one pound to 50 pounds? I mean, what's -- what's the --

A Minimal, I'd try to hold it to 50 pounds minimal --

Q And maximum?

A -- just to close it.

Q The maximum -- that's 50 pounds per square inch?

A Yeah. You get -- to even hold you'd have to bring it up that far.

Q "To even hold" meaning what?

A To even hold the pressure you'd have to bring it up that far, otherwise it's going to fluctuate in pressure.

Q Across the --

A Right.

Q -- sandwich?

A Across the sandwich. Because you're melting the plastic, in the meantime it's going to start to soften.

Q Okay. So you would see 50 pounds per square inch from the start?

A Right.

Q And at -- and at some point when the heat

sync soak time was achieved you would increase the pressure, but not more than 180?
A Correct. Try to maintain that in normal lamination.
Q Okay. And the pressure was increased at the end of the heat soak time to somewhere between 50 pounds and 180 pounds per square inch?
A Correct. Don't -- you know, this is going to be hard for me to try to remember what I'm telling you here right now before -- in a jury trial.
Q Well, we're going to --
A I mean, we're going -- we're pulling figures out and approximate figures and guessing. I'm doing a guessing game here.
Q I understand that you're doing --
A And to try to guess it again a year from now, that's going to be very difficult.
Q Well, let me -- let me put it to you this way. We're going to show this to you again a year from now, if necessary.
A Okay.
Q If for some reason your memory changes or you believe that this is incorrect, you'll

19.Q.

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Q All right. Well, then you move to the cold phase, right?
A Correct.
Q Then the heat is shut off.
A The heat stays on the hot side, the cold side remains cold, and the temperature is dropped by closing the cold side, extracting the heat out of the book.
Q Okay. And what pressure generally would you apply when you were -- had the success rate of 15 out of 24 for Motorola in the cards with the electronic element, how did the pressure in the cold phase compare to the pressure in the heating phase?
A I don't know what the pressure was on the cold side. All I can say is I would estimate it to be under the pressure of the hot side.
Q And what do you base that on?
A The size of the ram.
Q Did anybody work with you at Motorola to figure out or to apply the pressures that were being used in the Burkle laminator? Did you have a technician or operator that would --
A They had an operator, his name was Kiet. I'm not sure of his nationality. I think it was

Vietnamese, at Motorola they have all -- when they put a notice on the board, it's in about six languages so everybody can understand it.

Q Okay. Now, the rams were of different sizes, correct?

A Correct.

Q And the -- is the amount of pressure that's applied in either side a function of the size of the ram?

A Yes.

Q And how much bigger was the ram on the cold side than the hot side?

A I don't remember that.

Q Was it ten times as big?

A I can't tell you that.

Q Okay. Even though the rams were of different sizes, meaning that a bigger ram could apply more pressure, right, was it possible in the Burkle laminator to just not apply as much pressure using a larger ram and max out the ram on the cold side?

A You would -- they had a tank containing the hydraulic fluid, a single tank containing your fluid, you have a pump in there that is pumping the pressure to the rams, it's going to fill the

most -- less resistance first, which would be the large ram, it would flow in there before it will fill up the cold side it's going to be taking all the fluid on the hot side first. And that was proven by the fact that the hot ram closed first and it was a bigger ram. There was a dwell time waiting for the cold ram to shut or come up to pressure.

Q Okay. So are you saying that it was physically impossible, given the size of the rams and the way the hydraulic system worked, to have the pressure on the cooling side be greater than the pressure on the heating side in the Burkle laminator at Motorola?

A I'm not one of physics, but in my own mind it was much less, but it did manage to close and cool down the product, but I'm not sure what the surface pressure was on that cold side.

Q Okay. And whatever temperature you were able -- I'm sorry. Whatever temperature and pressure you were able to achieve on the cold side of the Burkle laminator, the highest success rate you got was 15 out of 24?

A I don't believe it had any relationship to the cold side at all. I think they were

destroyed immediately as soon as they closed the ram on the hot side.

Q Okay.

A That's my opinion. I don't -- I can't prove that.

Q Okay. Well, let's explore that a little bit.

You said that the best rate you got was 15 out of 24, right? At some point before that you got a lower success rate, right? It got better over time as you worked.

A Yeah.

Q Did these tests, right?

A Um-hum. I improved the longer I worked there.

Q Right. What in your mind led to the increased or improved results over time? What changes in the process did you make that helped to increase the success rate?

A Increase of pressure and changing the thickness of the pre-lams, of being able to go in there with thicker plastic.

Q Okay. Why did the thicker plastic -- did that help to make sure that the chip wouldn't poke through and damage --

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(Discussion had off the record.)

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BY MR. DeFRANCO:

Q Okay. Mr. Leighton, if you could look back at your 207 patent. Now, if you look at Claim 6, do you see that that claim talks about where the pressure -- the second pressure is greater than the first pressure? Do you see that?

A Yes.

Q And the second pressure is the cooling pressure; is that right?

A Yes.

Q Okay. And you said that couldn't -- the Burkle press at Motorola couldn't do that, you couldn't have a second pressure greater than the cooling pressure, right?

A I don't know that.

Q Okay. You don't know if you could or not?

A I don't know that --

Q Okay.

A -- information.

Q And are you aware, when you were at Motorola, had you experienced any lamination

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calls with Mr. Everett?
A I have not spoken to him on the phone.
Q Okay.
A One time meeting.
MR. DeFRANCO: All right. Thanks very much. That's all I have.
MR. GUTKIN: Okay. I just have a couple questions.

- - - - -

DIRECT EXAMINATION

BY MR. GUTKIN:
Q Mr. Leighton, do you recall -- I'm holding up Defendant's Exhibit E. Do you recall discussing that document this morning?
A Yes.
Q How comfortable are you that the pressures that are listed on this document for the heating cycle are accurate of what you did at Motorola?
A This was all speculation.
Q Are you very comfortable, very uncomfortable?
A I could be uncomfortable with it, yes, because I don't know any of the parameters of that laminator.
Q Okay. Can you take a look at your 207

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MR. GUTKIN: I don't have any further questions.

MR. DeFRANCO: Just a couple follow-ups.

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RECROSS-EXAMINATION

BY MR. DeFRANCO:

Q Exhibit E that you were just asked about, Mr. Leighton, I know you don't remember details precisely, but as you sit here, is this your best memory of the work that you did at Motorola?

A Well, you asked me to draw the pressure and time element --

Q Right.

A -- or temperature and time.

Q Right. We went through -- we went through the process that you had worked on when you were at Motorola; do you remember that?

A That's correct. But I don't think I would draw a graph --

Q Okay.

A -- of time and temperatures because at Motorola I didn't have control of the pressures because I didn't know a known number.